



7-26-04

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PTO/SB/21 (05-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	09/550,303
		Filing Date	April 14, 2000
		First Named Inventor	BROWN, PATRICK
		Group Art Unit	1634
		Examiner Name	FORMAN, BETTY J.
Total Number of Pages in This Submission	4	Attorney Docket Number	STAN-128
ENCLOSURES (check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences	
<input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter	
<input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): 1. Communication 2. Copy of Notice of Improper Request 3. Postcard	
<input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)		
		Remarks	
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Signing Attorney/Agent (Reg. No.)	PAMELA J. SHERWOOD, 36.677 BOZICEVIC, FIELD & FRANCIS LLP		
Signature			
Date	July 23, 2004		

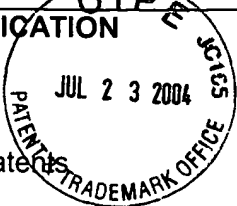
EXPRESS MAIL LABEL NO. EV462737255US

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

EXPRESS MAIL LABEL NO. **EV462737255 US**

Date: **07/23/04**

COMMUNICATION  Address to: Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket	STAN-128
	Confirmation No.	9147
	First Named Inventor	BROWN, PATRICK
	Application Number	09/550,303
	Filing Date	April 14, 2000
	Group Art Unit	1634
	Examiner Name	FORMAN, BETTY J.
Title "MICROARRAYS OF POLYPEPTIDES"		

Sir:

Applicants respectfully request entry of the previously submitted request for a Continuing Patent Application (CPA), filed on April 12, 2004. The Notice of Improper Request for RCE, mailed June 22, 2004 (copy attached) states that if a request for a CPA has been filed in the utility application that was filed on or after May 29, 2000, the request for a CPA has been treated as a request for RCE.

Applicants respectfully submit that the request for CPA of April 12, 2004 was the first request for a CPA of an application filed **before** May 29, 2000. The Filing date of the instant application was April 14, 2000. Therefore, the request for a CPA was properly made, and should not be treated as an RCE. Entry is requested.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number STAN-128.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: July 23, 2004

By: 

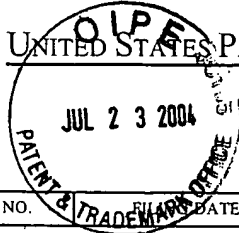
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STAN-128



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STAN-128

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/550,303	04/14/2000	Brian Haab	S99-066	9147

24353 7590 06/22/2004

BOZICEVIC, FIELD & FRANCIS LLP
 200 MIDDLEFIELD RD
 SUITE 200
 MENLO PARK, CA 94025

EXAMINER

FORMAN, BETTY J

ART UNIT

PAPER NUMBER

1634

DATE MAILED: 06/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding:

RECEIVED

JUN 28 2004

Bozicevic, Field, & Francis

COPY

07/02/04
 DOCKETED
 Petition to Revoke 07/07/04



APPLICATION NUMBER

FILING DATE

FIRST NAMED APPLICANT

ATTY. DOCKET NO./TITLE

091550,303



DATE MAILED:

NOTICE OF IMPROPER REQUEST FOR CONTINUED EXAMINATION (RCE)

The request for continued examination (RCE) under 37 CFR 1.114 filed on 4/12/04 is improper for reason(s) indicated below:

- ☐ 1. Continued examination under 37 CFR 1.114 does not apply to an application for a design patent. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 2. Continued examination under 37 CFR 1.114 does not apply to an application that was filed before June 8, 1995. Applicant may wish to consider filing a continuing application under 37 CFR 1.53(b) or a CPA under 37 CFR 1.53(d).
- ☐ 3. Continued examination under 37 CFR 1.114 does not apply to an application unless prosecution in the application is closed. If the RCE was accompanied by a reply to a non-final Office action, the reply will be entered and considered under 37 CFR 1.111. If the RCE was not accompanied by a reply, the time period set forth in the last Office action continues to run from the mailing date of that action.
- ☐ 4. The request was not filed before payment of the issue fee, and no petition under 37 CFR 1.313 was granted. If this application has not yet issued as a patent, applicant may wish to consider filing either a petition under 37 CFR 1.313 to withdraw this application from issue, or a continuing application under 37 CFR 1.53(b).
- ☐ 5. The request was not filed before abandonment of the application. The application was abandoned, or proceedings terminated on _____. Applicant may wish to consider filing a petition under 37 CFR 1.137 to revive this abandoned application.
- ☐ 6. The request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.
- ☒ 7. The request was not accompanied by a submission as required by 37 CFR 1.114. Since the application is not under appeal, the time period set forth in the final Office action or notice of allowance continues to run from the mailing date of that action or notice.

* **Note:** If a request for a continued prosecution application (CPA) under 37 CFR 1.53(d) has been filed in the utility or plant application (including a previously filed CPA) that was filed on or after May 29, 2000, the request for a CPA has been treated as a RCE because the CPA practice no longer applies to such application. The constructive RCE, however, is improper for reason(s) indicated above.

A copy of this notice MUST be returned with any reply.

Direct the reply and any questions about this notice to:

Tina Plunkett

Examining Group

TC 1600

571 272
(703) 30-4509